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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,786	06/26/2003	Masaru Aiso	393032038-400	5216
7590 10/06/2008				
David L. Fehrman Morrison & Foerster LLP 35th Floor 555 W. 5th Street Los Angeles, CA 90013				
EXAMINER				
TRAN, CON P				
ART UNIT		PAPER NUMBER		
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MAIL DATE		DELIVERY MODE		
10/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,786

Applicant(s)

AISO ET AL.

Examiner

CON P. TRAN

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Basel U.S. Patent 6,341,166 in view of Power et al. U.S. Patent 6,839,441, (hereinafter, "Power").

Regarding **claim 1**, Basel teaches an apparatus for volume control devices (see Figs. 2, 3, and respective portions of the specification), comprising:

a first volume control device and a second volume control device which correspond to source correction equalization unit (240, Fig. 2, 3). The source correction equalization unit (240) provides equalization correction to current source medium (302) in order to maintain desired spectral balance of reference source medium (202; see col. 5, lines 26-43); it is noted that source correction equalization unit (240, Fig. 2, 3) corresponding first stage, and listener correction unit corresponding second stage (see

col. 5, lines 55-65; i.e., equalization adjustments can be made in listener correction equalization unit 250 that are conveyed to speaker 270 through amplifier unit 260);

a position control device which corresponds to control interface for changing from source (202, Fig. 2) to (302, Fig. 3; see col. 4, lines 11-27);

a controller which corresponds to power spectrum analyzer 210, reference spectral balance data memory (212), current source spectral balance data memory (214), compute unit (220), spectral balance correction data memory (232, see Figs. 2, 3) for setting automatically (i.e., automatically corrected, col. 4, lines 8-11) spectral balance correction data in spectral balance correction data memory (232) to maintain desired spectral balance of reference source medium (see col. 5, lines 15-43).

However, Basel does not explicitly disclose: an operation position of a first volume control device is driven automatically and operated manually; an operation position of a second volume control device is driven automatically and operated manually.

Power discloses a sound mixing system (see Figs. 2, 3, 4) comprising: motorized faders (11, Fig. 3; col. 5, lines 5-16) in input channel control; motorized control knobs in mater control section (Fig. 4; col. 6, lines 11-22, lines 48-53; and operated manually (i.e., adjusted manually col. 6, lines 25-31) .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the sound mixing system taught by Power with the drive apparatus of Basel such that an operation position of a first volume control device is driven automatically and operated manually; and an operation position

of a second volume control device is driven automatically and operated manually as claimed for purpose of moving quickly to positions corresponding to the current circuit parameters, as suggested by Power in column 3, lines 45-46.

Regarding **claim 2**, Basel, as modified, further teaches the drive apparatus for volume control devices according to claim 1, wherein source correction equalization unit (240, Fig. 2, 3) including a plurality of the second volume control devices to maintain desired spectral balance of reference source medium (see col. 1, lines 12-34).

Allowable Subject Matter

3. **Claims 3-4** are allowed.

Regarding to **claim 3**, this claim has been amended to incorporate the allowable subject matter, which is indicated by previous Office Action, therefore is allowed.

Claims 4 is allowed by virtue of their dependency on claim 4.

4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, the prior art of record fails to teach or suggest an assigner for assigning a plurality of audio signals corresponding to arbitrary ones of the second volume control devices to the first volume control device.

Response to Arguments

5. Regarding Applicant's arguments that "the analyzer 210 in Basel cannot set the operation position or any volume control devices such that the total gain can be maintained during a two-stage volume control process," examiner respectfully disagrees. As presented above in the Office Action, and for further clarification, it is noted that source correction equalization unit (240, Fig. 2, 3) corresponding first stage, and listener correction unit corresponding second stage (see col. 5, lines 55-65;); it is noted that source correction equalization unit (240, Fig. 2, 3) corresponding first stage, and listener correction unit corresponding second stage (see col. 5, lines 55-65; i.e., equalization adjustments can be made in listener correction equalization unit 250 that are conveyed to speaker 270 through amplifier unit 260).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CON P. TRAN whose telephone number is (571)272-7532. The examiner can normally be reached on M - F (08:30 AM - 05:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor VIVIAN C. CHIN can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/CPT/
October 9, 2008

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2615